App F. IX-4

Previous References: 1943 44 (Lesco)

File No. 6.43

Serial Nos. 1.

Later References.

40

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One only

Part B for August 1943.

SUBJECT

Penalties Enhancement (Amendment) Act, 1943.

To

The compiler, Mysore Gazette, Bangalore

No. R.L. 164 / Lesis 6.43-1 dated 12-8-43.

orders the publication of the Act in the Gazette

R.S.C. Sekhar
29/6/45.

441/M.

No.F.9-42/W. 2314

From

The Secretary to the Hon'ble the Resident in Mysore.

Continuation Sheet. **Page.**

To

The Chief Secretary to the Government of Mysore, Bangalore.

CHIEF SECRETARIAT 29 JAN 1943 OUT OF

Bangalore, the 29th Jany. 1943.

The Penalties (Enhancement) Amendment Ordinance, 1943.

Sir,

1446/W2 I am directed to refer to letter from this Residency No.F.9-42/W, dated the 4th September 1942, and to invite attention to the Penalties (Enhancement) Amendment Ordinance, 1943 Ordinance No.III of 1943, published in the Gazette of India Extraordinary dated the 16th January 1943. I am to request that the provisions contained in that Ordinance may be incorporated in the enactment in force in the State.

I have the honour to be,
Sir,
Your most obedient servant.

for SECRETARY TO THE RESIDENT.

MAP

1. It is ascertained from the Proceedings that the previous reference has been sent to Legislative Secretariat. This may also be sent twice

SO 30/1/43

Legislative Secretariat

30.1.43

3. Please put up Previous reference and a copy of the Ordinance referred to in P.D.

SO 30.1.43

Supd.

4. The previous references are put up

Kind attention is invited to the proposed bill to amend the penalties Enhancement Act 1942

OFFICE OF THE RESIDENT MYSORE 1943 SECRETARIAT

A Bill to amend the penalties (Enhancement Act 1942

General and Revenue Secretariat R. A. & L. C. | File No. | of 194 . | [App. F. III–2

421 | R1

Serial No.

14) A draft Bill, consolidating the earlier as well as the recent amendments, is submitted for approval.

6642 — 15/17.2.43 Please put up. Typed copy as revised Govs 17.2.43

A typed draft as revised is submitted herewith

16/18.2.43 The draft Bill put up is for approval.

This is a Council matter.

Govs 18.2.43

Secy (RA-Le)

BSKR 18-2-43

GOVT. LIBRARY DEPT. 10002 I.I.T.C. MYSORE

17) Law Secy

May be approved

Govs 18-2-43

OFFICE OF THE MINISTER FOR EDUCATION Date 23-2-43 No. 4326

Minister for Law

Dewan 18) JPB 26-2- BSKR 19.2.43

19) Dlw 1/3/43

Govs 1-3-43

6694

20) May be disposed of by circulation

Govs 1-3-43

Dewan

NOTE—Contn. Sheet

21) Dlw Govs 3/3/43 BSKR 1.3.43 Govs 1.3.43

GOVT. OF MYSORE 3 MAR 1943

3/3/43.

22) Chief Secy to G

3-3-43 BSKR 3.3.43 Govs 3.3.43

For Disposal by Circulation.

No. C. 785

7 1942:43.

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

The penalties (Enhancement) Amendment Bill.

Circulated to the Council of Ministers.

By Order.

3rd March 1943.

Chief Secretary to Government.

7618/5.3.43.

Minister for Finance and Revenue. (23) 5/3

~~**Minister For Law.**~~

Minister for Education. (Seen)

7202/5/3 **Minister for Local Self-Government and Public Health.** (24) 5.3.63

Law see cos/cs 6/3

6-3-43

BRR 6.3.43

W D 01339—GPB—1,000—15-12-42

M.D.V.

Y.F.N. Please 6.3.43

The penalties (Enhancement) Amendment Bill

General and Revenue Secretariat
R. A. & L. C.

File No. of 194 66RL [App. F. III–2

Serial No.

A.G.F.N. is submitted for approval

Typed draft as revised

20. 10.3.42 MNN 10/3. BDN 10.3.43

A typed copy of the draft as revised is put up herewith

OFFICE OF THE MINISTER FOR EDUCATION
Date 12.3.43
No. 4932

20. 10.3.43 BDN 10/3

A.G.F.N. is put up for Consideration

Secy (A.A. & L.C.) BDN 10.3.43

BDR 10.3.43

Law Secy)

11-3-43

BDR 11.3.43 BDN 11.3.43

F.N. put up.

4402 12/3

G.O. submitted

15-3-43

Dewan

BDR

NOTE—Contn. Sheet

Final Note by the Minister for Education.

Subject.—

The Penalties (Enhancement) Amendment Bill.

On the 29th day of September 1942, His Highness was graciously pleased to accord sanction to a proposal to amend the Penalties (Enhancement) Act, 1942, in certain particulars. The Bill could not be proceeded with in the Assembly during its last session for want of time.

In the meanwhile another amendment has been made to the Indian Penalties (Enhancement) Ordinance of the Government of India by Ordinance III of 1943. It provides for enhanced penalties for offences under the Explosive Substances Act and for abetment of or attempt to commit certain offences specified in the principal Act. The Explosive Substances Act has been put into force in Mysore and will be in force as long as the Defence of India Act is in force. It is therefore proposed to amend the Mysore Act on the lines of the British Indian amendment and to introduce a Bill in the Representative Assembly and thereafter in the Legislative Council incorporating the amendments sought to be made by the earlier Bill and the present one. In the event of an emergency necessitating the immediate promulgation of these amendments it is proposed to issue the measure as an emergency Act in the first instance.

Paras 18, 19, 21, 23 & 24 of notes

The Dewan and the other Ministers are agreeable to the above proposal.

I solicit the gracious sanction of His Highness to these proposals.

Bangalore,
13th March 1943.

MINISTER FOR EDUCATION.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Education on the subject of the Penalties (Enhancement) Amendment Bill, for His Highness's gracious sanction.

N. Madhava Rau

Bangalore,
16th March 1943.

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Penalties (Enhancement) Amendment Bill.

No.678

Order.

17/3/43

General and Revenue

Secretariat.

e785

SUBJECT :—

Penalties (Enhancement) Amendment Bill

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Chief Secretary to Government. 18/3

Through the Secretary to Government,

— Law .....Department.

18.3.43

8056/22.3.43

Minister for Finance and Revenue. 23.3.43

~~Minister for Law.~~

5099/18/3

Minister for Education. 18.3.43

7760/18/3

Minister for Local Self-Govt. and Public Health. 19.3.43

Law Secy with Compliments

NOTE.—Contn. sheet

WD 0718—GPB—1,000—11-9-42

FWDV.

23-3-43

23.3.43

Final Note by the Minister for Revenue and Law.

Subject.— Promulgation of the Penalties (Enhancement) Amendment Bill.

On the 17th of March 1943, His Highness was graciously pleased to accord sanction to the proposal to amend the Penalties (Enhancement) Act, 1942 in certain particulars.

A Bill drafted for this purpose was placed before the Representative Assembly during its recent Budget Session and approved by that House. The Bill was thereafter introduced in the Legislative Council during its recent session and passed by it.

A copy of the Bill as passed in the Council and signed by the President under Standing Order 44 of the Mysore Legislative Council Standing Orders is submitted herewith.

The gracious sanction of His Highness is solicited to promulgate the Bill into law.

Bangalore,
15th July 1943.

Minister,
Revenue and Law.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Revenue and Law on the subject of the promulgation into law of the Penalties (Enhancement) Amendment Bill, for His Highness's gracious sanction.

N. Madhava Rau

Bangalore,
16th July 1943.

D E W A N.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to promulgate into law the Penalties (Enhancement) Amendment Bill.

No.44

Order.

KW.
26/7/'43.

Chief Sec.
Hon.
WP 29/7/43 29/7/43

General and Revenue

Secretariat.

C104.

SUBJECT:—

Proposal to promulgate into law the Penalties (Enhancement) Amendment Bill.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Chief Secretary to Government.
29/7/43

Through the Secretary to Government,

.....Law.....Department.

30-7-43

713 / 6/8 Minister for Revenue and Law. 6.8.43

618 / 30/7 Minister for Public Works. 31-7

882 / 31/7 Minister for Local Self-Govt. and Public Health. 31.7.43

Supplies.

630 / 4-8-43 Minister for Industries and ~~Commerce~~

701 / 5/8 Minister for Education.

NOTE.—Contn. sheet

WD 02718—GRB—300—21-4-43

Law Sec
W/comps
6-8-43

1682/43 The penalties (Enhancement) Amendment Act 1943

Continuation Sheet. File No. Current No. of Page.

421/RL.

The gracious assent of His Highness the Maharaja was accorded on 26th July 1943 to promulgate the Bill into law

A draft G.O. directing the publication of the Act as Act No XXVIII of 1943 is submitted for approval

Sec'y (Law Secs)
9.8.43

Sec'y (RA) He is on leave today
9.8.43

7-8-43

9/8

Cert 9-8-43

Issue
9.8.43

To The Compiler Mysore Gazette

No RL 164- Legis 6-43-1 dated 12th Aug 1943 directs the publication of the Act in the Gazette. The Act has been published in part IV of the Mysore Gazette dated 19th Aug 1943.

Submitted for orders if the file may be sent to the administrative section (Pro Br.) for note and return

30/8/43

Protection Branch)
31/8

By 5 days Copy here?

3

30/7

SECY. LAW DEPT. 1382 9/8/43 GOVT OF MYSORE

GENL & REV. SECRETARIAT RECEIVED 21. AUG. 1943 NOTIFICATION BRANCH

7. THE PENALTIES (ENHANCEMENT) AMENDMENT BILL.

Statement of Principles.

Section 5 of the Penalties (Enhancement) Act, 1942, provides, in certain circumstances, for enhanced penalties for the contravention of the provision of rule 35 of the Defence of India Rules, as applied to Mysore. It is considered desirable to make it clear that the contravention contemplated is of the rule as amended from time to time. It is also considered necessary to provide that a person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to a contravention of the said rule 35, should also become liable for enhanced penalties in the circumstances in which section 5 of the principal Act will apply.

It is also proposed to insert two new provisions, sections 7-A and 7-B, to the principal Act providing for enhanced penalties for offences under the Explosive Substances Act, 1908, as applied to Mysore, and for abetment of, or attempts to, commit certain offences referred to in the principal Act.

This Bill is intended to effect these changes and is based on the Penalties (Enhancement) Third Amendment Ordinance, 1942, and the Penalties (Enhancement) Amendment Ordinance No. III of 1943.

THE PENALTIES (ENHANCEMENT) AMENDMENT BILL.

WHEREAS it is expedient to amend the Penalties (Enhancement) Act, 1942:

It is hereby enacted as follo

Short title and commencement.

1. (1) This Act may be called the Penalties (Enhancement) Amendment Act, 194 .

(2) It shall come into force at once.

Amendment of section 2, Act XXV of 1942.

2. In section 2 of the Penalties (Enhancement) Act, 1942 (hereinafter referred to as the said Act) for the word and figures "3 to 7" the word, figures and letter "3 to 7A" shall be substituted, and after the word and figure "section 7" the words, figures and letter "or section 7A" shall be inserted.

3. In section 5 of the said Act—

Amendment of section 5, Act XXV of 1942.

(*a*) after the word "provisions", the words "for the time being in force" shall be inserted;

(*b*) after the words "Defence of India Rules, as applied to Mysore," the words and figures "or is deemed under rule 121 of the said rules to have contravened any such provision" shall be inserted;

(*c*) for the words "the said rule", the words "the said rules" shall be substituted.

Insertion of new sections 7-A and 7-B in Act XXV of 1942.

4. After section 7 of the said Act, the following sections shall be inserted, namely :—

Punishment of offences under sections 3, 4 and 5 of Act VI of 1908 of the Government of India.

under section 3 or section 4 or section 5 of the Explosive Substances Act, 1908, as applied to Mysore, may, in lieu of any punishment to which he is liable under the said Act, be punished with death, or with whipping, or with whipping in addition to any punishment to which he is liable under the said Act."

Punishment for attempts to commit, and abetment of offences.

"7-B. Whoever attempts to commit, or abets, or attempts to abet, or does any act preparatory to the commission of, any offence referred to in sections 3, 4, 6, 7 or 7-A shall, notwithstanding anything contained in the Indian Penal Code, as in force in Mysore, be punishable with the punishment provided for the commission of the offence."

THE PENALTIES (Enhancement) Amendment BILL.

Draft.

Statement of Principles.

Section 5 of the Penalties (Enhancement) Act, 1942, provides, in certain circumstances, for enhanced penalties for the contravention of the provision of rule 35 of the Defence of India Rules, as applied to Mysore. It is considered desirable to make it clear that the contravention contemplated is of the rule as amended from time to time. It is also considered necessary to provide that a person, who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, the said rule 35 should also become liable for enhanced penalties in the circumstances in which section 5 of the principal Act will apply.

It is also proposed to insert two new provisions, sections 7A and 7B, to the principal Act providing for enhanced penalties for offences under the Explosive Substances Act, 1908, as applied to Mysore, and for abetment of or attempts to commit certain offences referred to in the principal Act.

This Bill is intended to effect these changes and is based on the Penalties (Enhancement) Third Amendment Ordinance, 1942, and the Penalties (Enhancement) Amendment Ordinance No. III of 1943.

The Penalties (Enhancement) Amendment Bill.

~~Short title and commencement.~~

Whereas it is expedient to amend the Penalties (Enhancement) Act, 1942;

It is hereby enacted as follows:-

Short title and commencement.

1(1) This Act may be called the Penalties (Enhancement) Amendment Act, 194 .

(2) It shall come into force at once.

Amendment of section 2, Act XXV of 1942.

2. In section 2 of the Penalties (Enhancement) Act, 1942 (hereinafter referred to as the said Act), for the word and figures "3 to 7" the word, figures and letter "3 to 7A" shall be substituted, and after the word and figure "section 7" the words, figures and letter "or section 7A" shall be inserted.

Amendment of section 5, Act XXV of 1942.

3. In section 5 of the said Act -

(a) after the word "provisions", the words "for the time being in force" shall be inserted;

(b) after the words "Defence of India Rules, as applied to Mysore", the words and figures "or is deemed under rule 121 of the said rules to have contravened any such provision" shall be inserted.

(c) for the words "the said rule", the words "the said rules" shall be substituted.

Insertion of new sections 7A and 7B in Act XXV of 1942.

4. After section 7 of the said Act, the following sections shall be inserted, namely:-

Punishment of offences under sections 3, 4 and 5 of Act VI of 1908 of the Government of India.

"7A. Whoever commits an offence punishable under section 3 or section 4 or section 5 of the Explosive Substances Act, 1908, as applied to Mysore, may, in lieu of any punishment to which he is liable under the said Act, be punished with death, or with whipping, or with whipping in addition to any punishment to which he is liable under the said Act."

Punishment for attempts to commit, and abetment of, offences.

"7B. Whoever attempts to commit, or abets, or attempts to abet, or does any act preparatory to the commission of, any offence referred to in section 3, 4, 6, 7 or 7A shall, notwithstanding anything contained in the Indian Penal Code, as in force in Mysore, be punishable with the punishment provided for the commission of the offence".

Penalties (Enhancement)

7. ದಂಡನೆಗಳನ್ನು ಹೆಚ್ಚಿಸುವ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ (ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನಿನ ನಿಯಮಗಳ ವಿವರ:

ಮೈಸೂರು ಸಂಸ್ಥಾನಕ್ಕೆ ಅನ್ವಯಿಸುವ ರೀತ್ಯಾ ಇಂಡಿಯಾ ದೇಶದ ರಕ್ಷಣೆಗೆ ಸಂಬಂಧಪಟ್ಟ ನಿಬಂಧನೆಗಳು ಈಗ ಜಾರಿಯಲ್ಲಿರುವುದು ಸರಿಯಷ್ಟೆ. ಆ ನಿಬಂಧನೆಗಳ ಪೈಕಿ 35ನೆಯ ನಿಬಂಧನೆಯ ನಿಯಮವನ್ನು ಉಲ್ಲಂಘಿಸಿದ ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಹೆಚ್ಚಿಗೆ ದಂಡನೆಗಳನ್ನು ವಿಧಿಸುವುದಕ್ಕಾಗಿ, ದಂಡನೆಗಳನ್ನು ಹೆಚ್ಚಿಸುವ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ 1942ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ 5ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ ನಿಯಮವೇರ್ಪಟ್ಟಿದೆ. ಆ ಪ್ರಕರಣದಲ್ಲಿ ಪ್ರಸ್ತಾವಿಸಲ್ಪಟ್ಟಿರುವ ನಿಬಂಧನೆಯ ಉಲ್ಲಂಘನೆ ಎಂದರೆ, ಆ ನಿಬಂಧನೆಯು ಆಗಿಂದಾಗ್ಗೆ ತಿದ್ದುಪಾಟಾಗಿರತಕ್ಕ ಸ್ಥಿತಿಯಲ್ಲಿ ಆ ನಿಬಂಧನೆಯ ಉಲ್ಲಂಘನೆಯೆಂದೇ ಅರ್ಥವು ಸ್ಪಷ್ಟವಾಗುವಂತೆ ಅದನ್ನು ವಿಶದಪಡಿಸುವುದು ಯುಕ್ತವೆಂದು ಕಂಡುಬಂದಿದೆ. ಅಲ್ಲದೆ, ಇನ್ನೂ ಒಂದು ವಿಷಯದಲ್ಲಿ ಕಾನೂನಿನ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸುವುದು ಆವಶ್ಯಕವೆಂದು ಭಾವಿಸಲಾಗಿದೆ. ಮೇಲೆ ಕಂಡ 35ನೆಯ ನಿಬಂಧನೆಗೆ ವಿರುದ್ಧವಾಗಿ ನಡೆಯುವುದಕ್ಕೆ ಪ್ರಯತ್ನಿಸತಕ್ಕ, ಅಥವಾ ಆ ನಿಬಂಧನೆಗೆ ವಿರುದ್ಧವಾದ ಒಂದು ನಡೆವಳಿಕೆಗೆ ಮದ್ದತ್ತು ಮಾಡತಕ್ಕ ಅಥವಾ ಮದ್ದತ್ತು ಮಾಡಲು ಪ್ರಯತ್ನಿಸತಕ್ಕ ಅಥವಾ ಆ ನಿಬಂಧನೆಗೆ ವಿರುದ್ಧವಾದ ನಡೆವಳಿಕೆಗೆ ಪೂರ್ವಭಾವಿಯಾದ ಸಿದ್ಧತೆಯೆನ್ನುಂಟುಮಾಡುವ ಯಾವುದಾದರೂ ಕೆಲಸವನ್ನು ಮಾಡತಕ್ಕ ಒಬ್ಬ ಮನುಷ್ಯನೂ ಸಹ, ಮೂಲ ಆಕ್ಟಿನ 5ನೆಯ ಪ್ರಕರಣವು ಅನ್ವಯಿಸತಕ್ಕ ಸಂದರ್ಭಗಳಲ್ಲಿ, ಈ ಕಾನೂನಿನ ಮೇರೆಗೆ ಹೆಚ್ಚಿಗೆ ದಂಡನೆಗಳಿಗೆ ಗುರಿಯಾಗುವಂತೆ ಮಾಡಲು ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸುವುದೇ ಆ ವಿಷಯ.

ಅಲ್ಲದೆ ಮೈಸೂರು ಸಂಸ್ಥಾನಕ್ಕೆ ಅನ್ವಯಿಸುವ ರೀತ್ಯಾ ಏರ್ಪಟ್ಟಿರತಕ್ಕ 1908ನೆಯ ಇಸವಿಯ ಸಿಡಿಮದ್ದಿನ ವಸ್ತುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನ ಮೇರೆಗೆ ನಡೆದ ಅಪರಾಧಗಳಿಗೂ, ಮೂಲ ಆಕ್ಟಿನಲ್ಲಿ ನಮೂದಿಸಿರತಕ್ಕ ಕೆಲವು ವಿಧ್ವಂಸಕ ಅಪರಾಧಗಳನ್ನು ಮಾಡಲು ಮದ್ದತ್ತು ಮಾಡಿದುದಕ್ಕೂ, ಅಥವಾ ಆ ಅಪರಾಧಗಳನ್ನು ಮಾಡಲು ಪ್ರಯತ್ನಿಸಿದುದಕ್ಕೂ, ಹೆಚ್ಚಿಗೆ ದಂಡನೆಗಳನ್ನು ವಿಧಿಸುವುದಕ್ಕಾಗಿ ಮೂಲ ಆಕ್ಟಿಗೆ 7A ಮತ್ತು 7B ಎಂಬ ಎರಡು ಹೊಸ ಪ್ರಕರಣಗಳನ್ನು ಸೇರಿಸಬೇಕೆಂದೂ ಉದ್ದೇಶಿಸಲಾಗಿದೆ.

ಈ ಬದಲಾವಣೆಗಳನ್ನು ಜಾರಿಗೆ ತರುವುದೇ ಈ ಮಸೂದಾ ಕಾನೂನಿನ ಉದ್ದೇಶ. ಇದನ್ನು 1942ನೆಯ ಇಸವಿಯ ದಂಡನೆಗಳನ್ನು ಹೆಚ್ಚಿಸುವ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ (ಮೂರನೆಯ ತಿದ್ದುಪಡಿ) ಆರ್ಡಿನೆನ್ಸ್ ಕಾನೂನಿನ ಮತ್ತು 1943ನೆಯ ಇಸವಿಯ IIIನೆಯ ನಂಬರಿನ ಆರ್ಡಿನೆನ್ಸ್ ಕಾನೂನಿನ ಎಂದರೆ ದಂಡನೆಗಳನ್ನು ಹೆಚ್ಚಿಸುವ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ (ತಿದ್ದುಪಡಿ) ಆರ್ಡಿನೆನ್ಸ್ ಕಾನೂನಿನ ಆಧಾರದ ಮೇಲೆ ರಚಿಸಲಾಗಿದೆ.

ದಂಡನೆಗಳನ್ನು ಹೆಚ್ಚಿಸುವ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ (ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನು.

1942ನೆಯ ಇಸವಿಯ ದಂಡನೆಗಳನ್ನು ಹೆಚ್ಚಿಸುವ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ,

ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಈ ಮೂಲಕ ಕಾನೂನನ್ನು ವಿಧಾಯಕ ಮಾಡಲಾಗಿದೆ:—

ಚಿಕ್ಕ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ.

1. (1) ಈ ಆಕ್ಟನ್ನು, ದಂಡನೆಗಳನ್ನು ಹೆಚ್ಚಿಸುವ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ 194—ನೆಯ ಇಸವಿಯ ತಿದ್ದುಪಡಿ ಆಕ್ಟು ಎಂದು ಕರೆಯಬಹುದು.

(2) ಅದು ಕೂಡಲೇ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು :

1942ನೆಯ ಇಸವಿಯ XXVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 2ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಾಟು.

2. 1942ನೆಯ ಇಸವಿಯ "ದಂಡನೆಗಳನ್ನು ಹೆಚ್ಚಿಸುವ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿ"ನ (ಇನ್ನು ಮುಂದೆ ಇದನ್ನು "ಆಕ್ಟು" ಎಂದು ಕರೆಯಲಾಗುವುದು) 2ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ "3ರಿಂದ ಹಿಡಿದು 7ರ ವರೆಗಿನ ಐದು" ಎಂಬ ಪದಗಳಿಗೂ ಅಂಕಿಗಳಿಗೂ ಬದಲಾಗಿ "3ರಿಂದ ಹಿಡಿದು 7A ವರೆಗಿನ ಆರು" ಎಂಬ ಪದಗಳು, ಅಂಕಿಗಳು ಮತ್ತು ಅಕ್ಷರಗಳು ಇವುಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

1942ನೆಯ ಇಸವಿಯ XXVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 5ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಾಟು.

3. ಆಕ್ಟಿನ 5ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ :—

(a) "ಅಡಕವಾಗಿರುವ" ಎಂಬ ಪದಕ್ಕೆ ಬದಲಾಗಿ "ಅಡಕವಾಗಿ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.

(b) " ಯಾವನಾದರೂ ಉಲ್ಲಂಘಿಸಿದಲ್ಲಿ " ಎಂಬ ಪದಗಳಾದ ನಂತರ " ಅಥವಾ ಆ ನಿಬಂಧನೆಗಳ ಪೈಕಿ 121ನೆಯ ನಿಬಂಧನೆಯ ಮೇರೆಗೆ, ಅಂಥ ಯಾವುದಾದರೂ ನಿಯಮವನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದಾಗಿ ಭಾವಿಸಲ್ಪಟ್ಟಲ್ಲಿ " ಎಂಬ ಪದಗಳನ್ನೂ ಅಂಕಿಯನ್ನೂ ಹೊಸದಾಗಿ ಸೇರಿಸತಕ್ಕದು.

(c) " ಆ ನಿಬಂಧನೆಯ ಮೇರೆಗೆ " ಎಂಬ ಪದಗಳಿಗೆ ಬದಲಾಗಿ " ಆ ನಿಬಂಧನೆಗಳ ಮೇರೆಗೆ " ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸಿಕೊಳ್ಳತಕ್ಕದು.

4. ಆಕ್ಟಿನ 7ನೆಯ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಕೆಳಗೆ ಕಂಡ ಪ್ರಕರಣಗಳನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸತಕ್ಕದು ; ಅವು ಯಾವುವೆಂದರೆ :—

1942ನೆಯ ಇಸವಿಯ XXVನೆಯ ನಂಬರಿನ ಆಕ್ಟಿಗೆ 7A ಮತ್ತು 7B ಎಂಬ ಹೊಸ ಪ್ರಕರಣಗಳನ್ನು ಸೇರಿಸುವುದು.

ಇಂಡಿಯಾ ಸರ್ಕಾರದ 1908ನೆಯ ಇಸವಿಯ VIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 3, 4 ಮತ್ತು 5ನೆಯ ಪ್ರಕರಣಗಳ ಮೇರೆಗೆ ಶಿಕ್ಷಾರ್ಹವಾದ ಅಪರಾಧಗಳಿಗೆ ಶಿಕ್ಷೆ.

"7A ಮೈಸೂರು ಸಂಸ್ಥಾನಕ್ಕೆ ಅನ್ವಯಿಸುವ ರೀತ್ಯಾ ಏರ್ಪಟ್ಟಿರುವ 1908ನೆಯ ಇಸವಿಯ ಸಿಡಿಮದ್ದಿನ ವಸ್ತುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನ 3ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಥವಾ 4ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಥವಾ 5ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಶಿಕ್ಷಿಸಲ್ಪಡಬಹುದಾದ ಅಪರಾಧವನ್ನು ಯಾರಾದರೂ ಮಾಡಿದ ಪಕ್ಷದಲ್ಲಿ, ಅಂಥವರಿಗೆ ಆಕ್ಟಿನ ಮೇರೆಗೆ ವಿಧಿಸಬಹುದಾದ ಯಾವುದಾದರೂ ಶಿಕ್ಷೆಗೆ ಬದಲಾಗಿ, ಅವರು ಮರಣದಂಡನೆಯಿಂದಲಾಗಲಿ ಅಥವಾ ಧಡಿ ಏಟಿನಿಂದಾಗಲಿ ಅಥವಾ ಅವರಿಗೆ ಆಕ್ಟಿನ ಮೇರೆಗೆ ವಿಧಿಸಬಹುದಾದ ಯಾವುದಾದರೂ ಶಿಕ್ಷೆಯ ಜೊತೆಗೆ ಧಡಿ ಹೊಡೆಯುವ ಶಿಕ್ಷೆಯಿಂದಲಾಗಲಿ ಶಿಕ್ಷಿಸಲ್ಪಡಬಹುದು."

ಅಪರಾಧಗಳನ್ನು ಮಾಡಲು ಯತ್ನಿಸಿದುದಕ್ಕೆ ಅಥವಾ ಮಾಡಲು ಮದ್ದತ್ತು ಮಾಡಿದುದಕ್ಕೆ ಶಿಕ್ಷೆ.

" 7B ಯಾರೇ ಆಗಲಿ 3, 4, 6, 7 ಅಥವಾ 7A ಪ್ರಕರಣಗಳಲ್ಲಿ ನಮೂದಿಸಿರತಕ್ಕ ಯಾವುದಾದರೂ ಅಪರಾಧವನ್ನು ಮಾಡಲು ಯತ್ನಿಸಿದರೆ, ಅಥವಾ ಮದ್ದತ್ತು ಮಾಡಿದರೆ, ಅಥವಾ ಮದ್ದತ್ತು ಮಾಡಲು ಪ್ರಯತ್ನಪಟ್ಟರೆ, ಅಥವಾ ಆ ಅಪರಾಧವನ್ನು ಮಾಡುವುದಕ್ಕೆ ಪೂರ್ವಸಿದ್ಧತೆಯನ್ನುಂಟು ಮಾಡುವ ಯಾವುದಾದರೂ ಕೆಲಸವನ್ನು ಮಾಡಿದರೆ, ಅಂಥವರು ಮೈಸೂರು ಸಂಸ್ಥಾನಕ್ಕೆ ಅನ್ವಯಿಸುವ ರೀತ್ಯಾ ಏರ್ಪಟ್ಟಿರತಕ್ಕ ಇಂಡಿಯನ್ ಪೀನಲ್ ಕೋಡಿನಲ್ಲಿ ಏನೇ ಹೇಳಲ್ಪಟ್ಟಿದ್ದಾಗ್ಯೂ, ಆ ಅಪರಾಧವನ್ನೇ ಮಾಡಿದ್ದರೆ ಯಾವ ಶಿಕ್ಷೆಗೆ ಗುರಿಯಾಗುತ್ತಿದ್ದರೋ ಆ ಶಿಕ್ಷೆಗೇ ಗುರಿಯಾಗತಕ್ಕದು. "

A BILL TO AMEND THE PENALTIES (ENHANCEMENT) ACT, 1942.

Existing Section	Amendment proposed	Section as amended	Remarks
2.The Government may, from time to time, by notification in the official Gazette, declare that sections 3 to 7 inclusive, or any of them, or such provisions of section 4 or section 7 as relate to a particular offence or particular offences therein specified shall have effect throughout Mysore or any specified area of Mysore.	In section 2 of the Act, for the word and figures "3 to 7" the word, figures and letter "3 to 7A" shall be substituted, and after the word and figure "section 7" the words, figures and letter "or section 7A" shall be inserted.	2. The Government may, from time to time, by notification in the official Gazette, declare that sections 3 to 7 A inclusive, or any of them, or such provisions of section 4 or section 7 or section 7A as relate to a particular offence or particular offences therein specified shall have effect throughout Mysore or any specified area of Mysore.	
5.Whoever contravenes any of the provisions of rule 35 of the Defence of India Rules as applied to Mysore, may, in lieu of any punishment to which he is liable under the said rules, be punished with death, or with whipping or with whipping in addition to any punishment to which he is liable under the said rule.	In section 5- (a) after the word "provisions", the words "for the time being in force" shall be inserted. (b) after the words "Defence of India Rules, as applied to Mysore," the words and figures "or is deemed under rule 121 of the said rules to have contravened any such provision" shall be inserted. (c) for the words "the said rule", the words "the said rules" shall be substituted.	5.Whoever contravenes any of the provisions for the time being in force or rule 35 of the Defence of India Rules, as applied to Mysore, or is deemed under rule 121 of the said rules to have contravened any such provision may, in lieu of any punishment to which he is liable under the said rules, be punished with death, or with shipping or with shipping in addition to any punishment to which he is liable under the said rules.	

A BILL TO AMEND THE PENALTIES (ENHANCEMENT) ACT, 1942.

Existing Section	Amendment proposed	Section as amended	Remarks
	After section 7, the sections mentioned in Col. 3 shall be inserted.	7-A. Whoever commits an offence punishable under section 3 or section 4 or section 5 of the Explosive Substances Act, 1908, as applied to Mysore, may, in lieu of any punishment to which he is liable under the said Act, be punished with death, or with shipping, or with whipping in addition to any punishment to which he is liable under the said Act. 7-B. Whoever attempts to commit, or abets, or attempts to abet, or does any act preparatory to the commission of, any offence referred to in sections 3, 4, 6, 7 or 7-A shall, notwithstanding anything contained in the Indian Penal Code, as in force in Mysore, be punishable with the punishment provided for the commission of the offence.	

D.F.N. № 678

Subject: The Penalties (Enhancement) Amendment Bill.

On the 29th day of September 1942, His Highness was graciously pleased to ..... sanction to a proposal to amend the Penalties (Enhancement) Act, 1942, in certain particulars. The Bill could not be proceeded with in the Assembly during its last session for want of time.

In the meanwhile another amendment has been made to the ~~Bill~~, Indian Penalties (Enhancement) Ordinance of the Government of India by Ordinance III of 1943. It provides for enhanced penaltie for offences under the Explosive Substances Act and for abetment of or attempt to commit certain offences specified in the principal Act. The Explosive Substances Act has been put into force in Mysore and will be in force as long as the Defence of India Act is in force. It is therefore proposed to amend the Mysore Act on the lines of the British Indian amendment and to introduce a Bill in the Representative Assembly and thereafter in the Legislative Council incorporating the amendments sought to be made by the earlier Bill and the present one. In the event of an emergency necessitating the immediate promulgation of these amendments it is proposed to issue the measure as an emergency Act in the first instance.

For orders vide paras 13 proceedings

The Dewan and the other Ministers are agreeable to the above proposal.

I solicit the gracious sanction of His Highness to these proposals.

Minister for Education.

10.3.43

Bs.

7. Whoever commits any offence punishable under section 147 or section 148 or section 186 of the Indian Penal Code as in force in Mysore, may, in lieu of or in addition to any punishment to which he is liable under the said Code, be punished with whipping. Punishment for offences under sections 147, 148 and 186, Indian Penal Code.

8. Notwithstanding anything elsewhere contained in any Act, Regulation or Enactment, an offence made punishable with death by this Act shall not, by reason of having been made so punishable, cease to be triable by any Court which might have tried the offence had it not been made so punishable. Saving.

9. The Penalties Enhancement (Emergency) Act, 1942 (XVIII of 1942), is hereby repealed. Repeal.

N. MADHAVA RAU,
Dewan.

Price: Re. 0-0-6.

Printed by the Superintendent at the Government Press, Bangalore.

As passed by the Legislative Council 5th July 1943

No. Rl. 1105, *dated Bangalore, the 7th June* 1943.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the Penalties Enhancement (Amendment) Bill together with the Statement of Objects and Reasons.

By Order,
C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

THE PENALTIES (ENHANCEMENT) AMENDMENT BILL.

WHEREAS it is expedient to amend the Penalties (Enhancement) Act, 194

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Penalties (Enhancement) Amendment Act, 194 .

(2) It shall come into force at once.

Amendment of section 2, Act XXV of 1942.

2. In section 2 of the Penalties (Enhancement) Act, 1942 (hereinafter referred to as the said Act) for the word and figures "3 to 7" the word, figures and letter "3 to 7A" shall be substituted, and after the word and figure "section 7" the words, figures and letter "or section 7A" shall be inserted.

3. In section 5 of the said Act—

Amendment of section 5, Act XXV of 1942.

(*a*) after the word "provisions," the words "for the time being in force" shall be inserted ;

(*b*) after the words "Defence of India Rules, as applied to Mysore," the words and figures "or is deemed under rule 121 of the said rules to have contravened any such provision" shall be inserted ;

(*c*) for the words "the said rule," the words "the said rules" shall be substituted.

Insertion of new sections 7-A and 7-B in Act XXV of 1942.

4. After section 7 of the said Act, the following sections shall be inserted, namely :—

Punishment of offences under sections 3, 4 and 5 of Act VI of 1908 of the Government of India.

"7-A. Whoever commits an offence punishable under section 3 or section 4 or section 5 of the Explosive Substances Act, 1908, as applied to Mysore, may, in lieu of any punishment to which he is liable under the said Act, be punished with death, or with whipping, or with

whipping in addition to any punishment to which he is liable under the said Act."

Punishment for attempts to commit, and abetment of offences.

"7-B. Whoever attempts to commit, or abets, or attempts to abet, or does any act preparatory to the commission of, any offence referred to in sections 3, 4, 6, 7 or 7-A shall, notwithstanding anything contained in the Indian Penal Code, as in force in Mysore, be punishable with the punishment provided for the commission of the offence."

S. H. Chandrasekharaiya 12/3/63
president
legislative council

Statement of Objects and Reasons.

Section 5 of the Penalties (Enhancement) Act, 1942, provides, in certain circumstances, for enhanced penalties for the contravention of the provision of rule 35 of the Defence of India Rules, as applied to Mysore. It is considered desirable to make it clear that the contravention contemplated is of the rule as amended from time to time. It is also considered necessary to provide that a person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to a contravention of the said rule 35, should also become liable for enhanced penalties in the circumstances in which section 5 of the principal Act will apply.

It is also proposed to insert two new provisions, sections 7-A and 7-B, to the principal Act providing for enhanced penalties for offences under the Explosive Substances Act, 1908, as applied to Mysore, and for abetment of, or attempts to, commit certain offences referred to in the principal Act.

This Bill is intended to effect these changes and is based on the Penalties (Enhancement) Third Amendment Ordinance, 1942, and the Penalties (Enhancement) Amendment Ordinance No. III of 1943.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. Legis 6-43-1 Dated, Bangalore, 7th August 1943.

Ordered that the accompanying Penalties (Enhancement) (Amendment) Act 1943

which received the assent of His Highness the Maharaja, on the 26th day of July 1943, be published as Act No. XXVIII of 1943, in the *Mysore Gazette*, for general information.

General Secretary to Government.
Law Department

To

1. The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2. Copy to the Translation Section

Office Copy

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

ORDER NO.WL 164 /Legis.6-43-1

Dated, BANGALORE, [illegible] August 1948.

Ordered that the accompanying Penalties (Enhancement) (Amendment) Act, 1948, which received the assent of His Highness the ~~Maharaja~~ Maharaja on the 26th day of July 1948, be published as Act No. XXVIII of 1948 in the Mysore Gazette, for general information.

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada, and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Section.

PR3/10/8

No. Rl. 1105, *dated Bangalore, the 7th June* 1943.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the Penalties Enhancement (Amendment) Bill together with the Statement of Objects and Reasons.

By Order,
C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

Act No XXVIII of 1943

THE PENALTIES (ENHANCEMENT) AMENDMENT BILL.

(Received the assent of His Highness the Rajpramukh on the 3rd day July 1943)

WHEREAS it is expedient to amend the Penalties (Enhancement) Act, 1942;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Penalties (Enhancement) Amendment Act, 1943.

(2) It shall come into force at once.

Amendment of section 2, Act XXV of 1942.

2. In section 2 of the Penalties (Enhancement) Act, 1942 (hereinafter referred to as the said Act) for the word and figures "3 to 7" the word, figures and letter "3 to 7A" shall be substituted, and after the word and figure "section 7" the words, figures and letter "or section 7A" shall be inserted.

3. In section 5 of the said Act—

Amendment of section 5, Act XXV of 1942.

(*a*) after the word "provisions," the words 'for the time being in force" shall be inserted;

(*b*) after the words "Defence of India Rules, as applied to Mysore," the words and figures "or is deemed under rule 121 of the said rules to have contravened any such provision" shall be inserted;

(*c*) for the words "the said rule," the words "the said rules" shall be substituted.

Insertion of new sections 7-A and 7-B in Act XXV of 1942.

4. After section 7 of the said Act, the following sections shall be inserted, namely :—

Punishment of offences under sections 3, 4 and 5 of Act VI of 1908 of the Government of India.

"7-A. Whoever commits an offence punishable under section 3 or section 4 or section 5 of the Explosive Substances Act, 1908, as applied to Mysore, may, in lieu of any punishment to which he is liable under the said Act, be punished with death, or with whipping, or with

whipping in addition to any punishment to which he is liable under the said Act."

Punishment for attempts to commit, and abetment of offences.

"7-B. Whoever attempts to commit, or abets, or attempts to abet, or does any act preparatory to the commission of, any offence referred to in sections 3, 4, 6, 7 or 7-A shall, notwithstanding anything contained in the Indian Penal Code, as in force in Mysore, be punishable with the punishment provided for the commission of the offence."

(Sd) N. Madhava Rau
Dewan

Statement of Objects and Reasons.

Section 5 of the Penalties (Enhancement) Act, 1942, provides, in certain circumstances, for enhanced penalties for the contravention of the provision of rule 35 of the Defence of India Rules, as applied to Mysore. It is considered desirable to make it clear that the contravention contemplated is of the rule as amended from time to time. It is also considered necessary to provide that a person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to a contravention of the said rule 35, should also become liable for enhanced penalties in the circumstances in which section 5 of the principal Act will apply.

It is also proposed to insert two new provisions, sections 7-A and 7-B, to the principal Act providing for enhanced penalties for offences under the Explosive Substances Act, 1908, as applied to Mysore, and for abetment of, or attempts to, commit certain offences referred to in the principal Act.

This Bill is intended to effect these changes and is based on the Penalties (Enhancement) Third Amendment Ordinance, 1942, and the Penalties (Enhancement) Amendment Ordinance No. III of 1943.

ORDINANCE No. IV OF 1943.

AN

ORDINANCE

to establish the validity of certain appointments as Income-tax Officer of, and certain proceedings under the Indian Income-tax Act, 1922, taken by, persons designated as Assistant Income-tax Officers.

WHEREAS an emergency has arisen which makes it necessary to establish the validity of certain appointments as Income-tax Officer of, and certain proceedings under the Indian Income-tax Act, 1922, taken by, persons designated as Assistant Income-tax Officers ; XI of 1922.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :— 26 Geo. 5, c. 2

Short title and commencement.

1. (*1*) This Ordinance may be called the Income-tax Proceedings Validity Ordinance, 1943.

(*2*) It shall come into force at once.

Validity of appointments as Income-tax Officer of Assistant Income-tax Officers and of proceedings taken by them.

2. Where, whether before or after the commencement of this Ordinance, any person designated as an Assistant Income-tax Officer has been appointed to be or to discharge the functions of an Income-tax Officer for any of the purposes of the Indian Income-tax Act, 1922, XI of 1922. and where, whether before or after the commencement of this Ordinance, a person designated as an Assistant Income-tax Officer, appointed to be or to discharge the functions of an Income-tax Officer, has given or served any notice or taken any action whatsoever under the said Act for the purpose of or in connection with the making of an assessment under the said Act, such person shall be deemed to be and always to have been validly appointed as an Income-tax Officer for the purposes of the said Act, and no act purporting to have been done by such person as an Income-tax Officer, and no notice purporting to have been given or served by such person as an Income-tax Officer shall be called in question merely on the ground of any irregularity or defect in the manner of his appointment as an Income-tax Officer.

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI
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REGISTERED No. L. 3131

The Gazette of India

EXTRAORDINARY
PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, JANUARY 16, 1943

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT

New Delhi, the 16th January 1943

ORDINANCE No. III OF 1943.

AN

ORDINANCE

further to amend the Penalties (Enhancement) Ordinance, 1942.

WHEREAS an emergency has arisen which makes it necessary further to amend the Penalties (Enhancement) Ordinance, 1942, for the purposes hereinafter appearing ;

III of 1942.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

26 Geo. 5, c. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the Penalties (Enhancement) Amendment Ordinance, 1943.

(*2*) It shall come into force at once.

Amendment of section 2, Ord. III of 1942.

2. In section 2 of the Penalties (Enhancement) Ordinance, 1942 (hereinafter referred to as the said Ordinance), for the word and figures " 3 to 7 " the word, figures and letter " 3 to 7A " shall be substituted, and after the word and figure " section 7 " the words, figure and letter " or section 7A " shall be inserted.

III of 1942.

Insertion of new sections 7A and 7B in Ord. III of 1942.

3. After section 7 of the said Ordinance the following sections shall be inserted, namely :—

Punishment of offences under sections 3, 4 and 5 of Act VI of 1908.

" 7A. Whoever commits an offence punishable under section 3 or section 4 or section 5 of the Explosive Substances Act, 1908, may, in lieu of any punishment to which he is liable under the said Act, be punished with death, or with whipping, or with whipping in addition to any punishment to which he is liable under the said Act.

VI of 1908

Punishment for attempts to commit, and abetment of, offences.

7B. Whoever attempts to commit, or abets, or attempts to abet, or does any act preparatory to the commission of, any offence referred to in section 3, 4, 6, 7 or 7A shall, notwithstanding anything contained in the Indian Penal Code, be punishable with the punishment provided for the commission of the offence.'

XLV of 1860.

LINLITHGOW,
Viceroy and Governor General

[*Price 1 anna.*]

Ordinance to further amend the penalties (Enhancement) Ordinance 194

Commerce and Revenue Secretariat R. A. & B. C. R.

File No. 101 to of 194 [App. F. III–2

(4111-R)

Serial No.

wherein the provisions of the penalties (Enhancement) Third Amendment Ordinance 1942 have been incorporated. The Bill was not placed before the R.A. at its last Session for want of time

5 A copy of the present amending Ordinance referred to in this receipt is also put up for perusal

20/1.2.43 BVN 1/2

6 Two new sections have been added to the Penalties Enhancement (Ordnance by Ordinance III of 1943. The Residency request that these amendments may be incorporated into the Mysore Act.

7 By the new section 7A enhanced penalties are provided for offences under the Explosive Substances Act. This latter Act has been put into force in Mysore by the Defence of India (Adaptation in Mysore) Act 1939.

8 By the new section 11A abetments and attempts in respect of offences specified in certain sections of the Principal Act are also punishable.

9 An earlier amending Bill had been prepared for the last R.A. and included in the Agenda but it was not taken up (vide Collection put up)

NOTE—Contn. Sheet

421/M.

File No. of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

Orders are respectfully solicited on the following points:

1. Whether amendments may be incorporated in the bill of Ordinance II of 1942 and if it is necessary to issue it as an Emergency Act in the first instance, by-reference approval of the Rt. Hon'ble Leader of the House being taken previously; and

2. Whether the provisions of the Bill included in the Agenda of the last Rt should also be included in such a Bill.

SWRD
4.2.43

(Secy AA. Leader)

1. A bill may be placed at the ensuing R.A., incorporating the provisions of Ordinance III and the earlier Bill. If an emergency arises in the meantime, the Bill may be promulgated as an Emergency measure.

BKR
4.2.43

(Law Secy)

2. May be done accordingly.

Minute approved.

4-2-43

BKR
5.2.43

13

13.2.43

13-2-43

BKR
13.2.43

SWRD
13.2.43

IV. Please bring up.

OFFICE OF THE MINISTER FOR EDUCATION
Date 6.2.43
No. 3864

flgs S.D.E.

SECY. LAW DEPT. SRI LANKA GOVT.

Local Authorities (Enhancement) Amendment Bill

Continuation Sheet. **File No.** 421/M **of** **Page.** 6

Current No.

[illegible] see earlier file
20.4.43

[illegible] for approval

[illegible]

27/4

revised

27.4.43

Mr 2.V.

A typed copy of the Statement of principles is put up herewith

2V.
28.4.43

BXR
28/4

The St. of principle put up is for consideration. The Bill otherwise ready to go before the Legislature.

28.4.43

Secy
RA-Le)

BXR
29.4.43

Law Secy

OFFICE OF THE MINISTER FOR FINANCE & REVENUE
29 APR. 1943
No 9224

[illegible]

Copy of the Secret Kannada translation of these principles and memorandum (Amendment) Bill

3.5.43

[illegible]

Mr 2.V.

BXR
2-6-43

The penalties (Enhancement) Amendment Bill 421/41

Subd.

The principles of the Bill having been approved by the House, it is for orders whether the Bill may be published under rule 36 of the Mysore Legislative Rules and the ... of principles adopted as the St. of objects and Reasons. ...mission of the Dewan is solicited for the Publication

2N
3/6/43
BVN
3/6

Secy
M.A.Le

DN
3.6.43

BKR
3.6.43

Law Secy

may be published

Dewan

MVR
5/6

BKR
4.6.43

Cus
7/6/43

SECRETARIAT
14120
7/6/43
GOVT OF MYSORE

To The compiler Mysore Gazette
No R.L.1100-21 dated 7th June 1943

Directs publication of the Bill in the Gazette Subd.

Orders have been passed in the file bearing No RL 605/41-L for including the following motions for the L.C. in the name of the Minister for Law.

DEWAN'S OFFICE
4. JUN. 1943
NO 8884

(1) Minister for Law to introduce the Penalties (Enhancement) Amendment Bill

(2) Also to move that the Bill be taken into Consideration by the Council

The penalties (Enhancement) Amendment Bill

Continuation Sheet. File No. 421/41 of Page.
Current No.

(3) Mr to move that the Bill be passed.

2N 8/6/43 The Law Secretary wanted me to examine if Clause 2(b) and the proposed section 7B did not overlap as section 121 of the Defence of India Rules referred to in clause 2(b) related to attempts, abetment etc which was also the subject of section 7A.

It is submitted that under clause 2(b) what is now made punishable would be attempts, abetment etc only of offences under rule 35 of the Defence of India Rules, whereas section 7B provides for enhanced penalties for attempts, abetment etc of offences specified in sections 3, 4, 6, 7 or 7A of the Penalties (Enhancement) Act. They therefore relate to two different classes of offences and do not overlap and both the provisions may remain as that the rigour that may be on a line with the British India ordinance as amended.

BVN 9.6.43
Secy (RA & Le)

BKR 9.6.43
Law Secy)

9-6-43

BKR 9.6.43

The Bill was introduced in the Legislative council during its recent session and passed by it on 5th July 1943.
A copy of the Bill signed by the president, Legislative council, is put up.
A.D.N. is submitted for approval

2N 14/7/43
BVN 14/7

SECY. LAW DEPT. 9/6/43 GOVT OF MYSORE

Continuation Sheet. File No. / Current No. 621RL of Page.

D-

16 JUL 1943
No. 353

SECY. LAW DEPT. # 1 64 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR REVENUE & LAW
15 JULY 1943
No. 1134

Dgr : Submitted for approval

Secy (RA Le) 14.7.43

BKR 14.7.43

Law Secy

Sudhindra Rao

15-7-43

Minister Rev Law

BKR 15.7.43

Signed final Note in duplicate put up

GS 16/7.

D.N. is put up

BKR 16.7.43

Dewan)

The Penalties (Enhancement) Amendment Bill.

Whereas it is expedient to amend the Penalties (Enhancement) Act, 1942;

It is hereby enacted as follows:-

Short title and commencment.

1.(1) This Act may be called the Penalties (Enhancement) Amendment Act, 194

(2) It shall come into force at once.

Amendment of section 2, Act XXV of 1942.

2. In section 2 of the Penalties (Enhancement) Act, 1942 (hereinafter referred to as the said Act), for the word and figures "3 to 7" the word, figures and letter "3 to 7A" ~~kkexwordx~~ shall be substituted, and after the word and figure "section 7" the words, figures and letter "or section 7A" shall be inserted.

Amendment of section 5, Act XXV of 1942.

3. In section 5 of the said Act:--

(a) after the word "provisions" the words "for the time being in force" shall be inserted;

(b) after the words "Defence of India Rules, as applied to Mysore", the words and figures "or is deemed under rule 121 of the said rules to have contravened any such provision" shall be inserted.

(c) for the words "the said rule", the words "the said Rules" shall be substituted.

Insertion of new sections 7A and 7B in Act XXV of 1942.

4. After section 7 of the said Act, the following sections shall be inserted, namely:--

Punishment of offences under section 3, 4 and 5 of Act VI of 1908 of the Government of India.

"7A. Whoever commits an offence punishable under section 3 or section 4 or section 5 of the Explosive Substances Act, 1908, as applied to Mysore, may , in lieu of any punishment to which he is liable under the said Act, be punished with death, or whipping, or with whipping in addition to any punishment ~~xxxx~~ to which he is liable under the said Act."

Punishment for attempts to commit, and abetment of, offences.

"7B. Whoever attempts to commit, or abets or attempts to abet, or does any act preparatory to the commission of, any offence referred

PT 17

NOTIFICATION.

Order No. Rl. 98—Legis. 4-42-1, dated Bangalore, the 22nd July 1942.

Ordered that the accompanying Penalties (Enhancement) Act, 1942, which received the assent of His Highness the Mabaraja, on the 7th day of July 1942, be published as Act No. XXV of 1942, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT No. XXV OF 1942.

THE PENALTIES (ENHANCEMENT) ACT, 1942.

(Received the assent of His Highness the Maharaja on the seventh day of July 1942.)

WHEREAS it is expedient to make immediate provision for the enhancement in certain circumstances of the penalties provided by law for the punishment of certain offences;

It is hereby enacted as follows:—

Short title, extent and operation.

1. (1) This Act may be called the I ... (Enhancement) Act, 1942.
(2) It extends to the whole of Mysore.
(3) It shall come into force at once; but sections 3 to 7 inclusive, shall have effect only in pursuance of and in accordance with a notification issued under section 2 and only so long as such notification remains unrescinded.

Power of Government to put the provisions of this Act into effect.

2. The Government may, from time to time, by notification in the official Gazette, declare that sections 3 to 7 inclusive, or any of them, or such provisions of section 4 or section 7 as relate to a particular offence or particular offences therein specified shall have effect throughout Mysore or any specified area of Mysore.

Punishment for theft.

3. Whoever commits theft in any premises which have been damaged by war operations, or vacated by reason of attack by the enemy or in consequence of any authorised directions given for the purpose of meeting or hindering any actual or apprehended attack by the enemy or of protecting persons and property from the dangers involved in any such attack or commits theft of any article which has been left exposed or unprotected as a consequence of war operations, shall be punished with death, or with rigorous imprisonment for a term which may extend to ten years, or with whipping, or with whipping in addition to such rigorous imprisonment.

Explanation.—In this section "theft" means theft as defined in section 378 of the Indian Penal Code as in force in Mysore and "authorised directions" means any order or directions made or given in the exercise of any power conferred by or under the Defence of India Act, 1939, as applied to Mysore, or made or given by any officer of His Highness the Maharaja's forces acting in the course of his duties.

Punishment for offences under sections 326, 386, 387, 392, 393, 399, 435 and 436, Indian Penal Code.

4. Whoever commits an offence punishable under section 326 or section 386 or section 387 or section 392 or section 393 or section 399 or section 435 or section 436 of the Indian Penal Code as in force in Mysore, may, in lieu of any punishment to which he is liable under the said Code, be punished with death, or with whipping or with whipping in addition to any punishment to which he is liable under the said Code.

Punishment for contravention of rule 35, Defence of India Rules.

5. Whoever contravenes any of the provisions of rule 35 of the Defence of India Rules as applied to Mysore, may, in lieu of any punishment to which he is liable under the said rules, be punished with death, orwith whipping or with whipping in addition to any punishment to which he is liable under the said rules.

Punishment for offences under sections 376, 380, 382, 394 or 395 Indian Penal Code.

6. Whoever commits an offence punishable under section 376 or section 380 or section 382 or section 394 or section 395 of the Indian Penal Code as in force in Mysore, may, in lieu of any punishment to which he is liable under the said Code or under the Whipping Act, 1903, be punished with death or in the case of an offence punishable under section 380 or section 382 with whipping in addition to any punishment to which he is liable under the said Code.